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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Andrew J. S. EVANS et al.

Serial No. 10/071,722

Filed: February 7, 2002

: Group Art Unit: 3743

: Examiner: Kathryn P. Odland

For: AN ORTHOTIC STRUT COMPONENT

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This communication is being filed in response to the Restriction Requirement mailed June 14, 2004. Applicants provisionally elect Group I, claims 1-9, with traverse.

Applicants respectfully submit that the restriction requirement is improper. A restriction requirement is proper when (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner. (MPEP §803, emphasis added). It is believed that the examination of Groups I and II together, would not pose a serious burden upon the Examiner.

In particular, claim 1 of Group I is directed to “an orthotic strut component,” and claim 10 of Group II is directed to a “method of making an orthotic strut component.” Both claims 1 and 10 recite, in part, a “**tube**” “**of substantially uncured plastics and fibre composite material**.” Claims 1 and 10 also recite that the tube is “**at least 300mm in length**,” and has a “**cross-sectional area**” which is “**no more than Kc^2** ,” with parameters K and c commonly defined.

Applicants respectfully submit that a search for prior art against an orthotic strut component and a method of making an orthotic strut component, each reciting the above-identified claim limitations, is required for each group and therefore would not pose an undue burden, particularly since a search of the prior art for the orthotic strut component of claim 1 would necessarily encompass a search of the prior art for the method of claim 10. Thus, the prior art for Group I will necessarily have significant commonality with the prior art for Group II.

Reconsideration and examination of Groups I and II together is respectfully requested.

Serial No. 10/071,722
Response Dated: December 8, 2004
Reply to Office Action mailed June 14, 2004

PATENT/OFFICIAL

AUTHORIZATION

A Petition for Extension of Time is filed herewith. If there are any fees due in addition to extension of time fees, please charge the fees to our Deposit Account No. 08-0219.

Respectfully submitted,

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